

Fresno, California

September 12, 2013

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present: Oliver Baines III	Councilmember
Lee Brand	Councilmember
Steve Brandau	Acting Council President
Paul Caprioglio	Councilmember
Clinton Olivier	Councilmember
Sal Quintero	Councilmember
Blong Xiong	Council President

Bruce Rudd, City Manager  
Renena Smith, Assistant City Manager  
Doug Sloan, City Attorney  
Yvonne Spence, City Clerk  
Cindy Bruer, Deputy City Clerk

Deputy Chief of Police Patrick Farmer gave the invocation and led the Pledge of Allegiance.

**PRESENTATION OF THE SPCA PET OF THE MONTH – COUNCILMEMBER QUINTERO**

A three year old female Chihuahua named Baby was showcased.

**PROCLAMATION OF “SEPTEMBER RAIL SAFETY MONTH”- COUNCILMEMBER CAPRIOGLIO**

**RESOLUTION OF “BACK TO SCHOOL HEALTH FAIR COMMUNITY PARTNERS DAY” –COUNCILMEMBER BAINES**

The above proclamations were read and presented.

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**APPROVE CITY COUNCIL MINUTES OF AUGUST 29, 2013**

On motion of Councilmember Caprioglio, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of August 29, 2013, approved as submitted.

**APPROVE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND FRESNO REVITALIZATION CORPORATION MINUTES OF AUGUST 22 AND 29, 2013**

On motion of Councilmember Caprioglio, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of August 22 and 29, 2013, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

Councilmember Quintero stated 1) a children’s festival was held at the Mosqueda Center last weekend, with approximately 4,000 children in attendance and thanked PARCS and other City staff for their hard work in making the event a success; 2) thanked the Fire Department for providing five engine companies and 20 firefighters to assist with the Pacific Rim fire and 3) stated he was the representative for Verona Italy Sister Cities and invited people to attend a fundraiser at Clovis Veterans Hall on September 23, 2013.

President Xiong commended the Fire Department for all their time spent fighting the Pacific Rim fire and thanked the firefighter for their service. President Xiong requested an update be provided to Council regarding the possible attritions of the Police Department and its impact with City Manager Rudd stating a tray memo would be provided.

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**APPROVE AGENDA:**

**(4:00 P.M.)** CONTINUED HEARING FOR CONSIDERATION OF STREET NAME CHANGE NO. SNC-10-002 AND RELATED ENVIRONMENTAL FINDING, FILED BY JO ANN ABLES, FOR THE PUBLIC STREET (MARTIN AVENUE) BOUNDED BY E.CALIFORNIA AVENUE AND MERCED STREET

Continued to October 24, 2013 at 4:00 p.m.

On motion of Councilmember Brand seconded by Councilmember Caprioglio, duly carried, **RESOLVED**, the **AGENDA** hereby approved as submitted by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

**ADOPT CONSENT CALENDAR:**

**(1-B)** AUTHORIZE AMENDMENT NO. 4 FOR PROFESSIONAL ENGINEERING AND RELATED ENVIRONMENTAL SUPPORT SERVICES WITH ERM-WEST, INC., A CALIFORNIA CORPORATION, TO PROVIDE ON-GOING PROFESSIONAL ENGINEERING, ENVIRONMENTAL, AND REMEDIAL ACTIONS CONCERNING GROUND WATER CONTAMINATION EMANATING FROM THE SITE OF THE FORMER HAMMER FIELD MILITARY AIRCRAFT FACILITY, NOT TO EXCEED \$212,200

**(1-C) RESOLUTION NO. 2013-154** - 515<sup>TH</sup> AMENDMENT TO THE MASTER FEE SCHEDULE (MFS) RESOLUTION 80-420 TO ADJUST THE WORDING IN THE COMMON USE AREA CHARGE FEE IN THE AIRPORTS SECTION

**(1-D)** DOCUMENTS PERTAINING TO THE SOBRIETY CHECKPOINT MINI-GRANT PROGRAM FOR 2013-2014

**#1** AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE THE AGREEMENT AND REQUIRE PROGRAM DOCUMENTS WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

**#2 RESOLUTION NO. 2013-155** – 8TH AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION (AAR) NO. 2013-98 APPROPRIATING \$349,700 FOR THE SOBRIETY CHECKPOINT MINI-GRANT PROGRAM FOR 2013-2014

**(1-F)** DOCUMENTS PERTAINING TO THE AGREEMENT AND PROGRAM DOCUMENTS WITH THE OFFICE OF TRAFFIC SAFETY

**#1** AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE THE AGREEMENT AND REQUIRED PROGRAM DOCUMENTS WITH THE OFFICE OF TRAFFIC SAFETY

**#2 RESOLUTION NO. 2013-157** – 9TH AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION (AAR) NO. 2013-98 APPROPRIATING \$278,200 FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT

**(1-G)** AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$260,120 TO ROOF SYSTEMS, INC. DBA NATIONS ROOF WEST (FRESNO) FOR THE CONSTRUCTION OF THE ROOF REPLACEMENT OF THE POLICE DEPARTMENT HEADQUARTERS

**(1-H)** ACTIONS PERTAINING TO THE SHIELDS AVENUE BIKE LANE IMPROVEMENTS, WEST AVENUE TO MAPLE AVENUE

**#1** ADOPT FINDING OF A CATEGORICAL EXEMPTION PER STAFF DETERMINATION, PURSUANT TO CLASS 4 SECTION 15304(H) (MINOR ALTERATIONS TO LAND) OF THE CEQA GUIDELINES FOR THE SHIELDS AVENUE BIKE LANE IMPROVEMENTS – WEST AVENUE TO MAPLE AVENUE

**#2** AWARD A CONSTRUCTION CONTRACT WITH WITBRO INC DBA SEAL RITE PAVING OF CLOVIS, CA IN THE AMOUNT OF \$134,401.00 FOR THE SHIELDS AVENUE BIKE LANE IMPROVEMENTS, WEST AVENUE TO MAPLE AVENUE PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, OR DESIGNEE, TO SIGN THE CONTRACT ON THE CITY'S BEHALF

**(1-I)** REJECT BID FOR LEFT-TURN PHASING SIGNAL MODIFICATION AT SHIELDS AND MILLBROOK AVENUES AND DIRECT STAFF TO REDESIGN THE PROJECT TO MEET THE PROPOSED BUDGET AND RE-BID THE PROJECT

**(I-J)** APPROVE THE APPOINTMENT OF TJ MILLER TO THE CITY OF FRESNO EMPLOYEES' RETIREMENT BOARD

**(I-K) BILL NO. B 27/ORDINANCE NO. 2013- 27 – (INTRO. 8/29/2013) (FOR ADOPTION) – AMENDING SECTION 12-223.B OF THE FRESNO MUNICIPAL CODE RELATING TO THE ADDITION OF RELATED COMMERCIAL USE IN THE “CR” COMMERCIAL RECREATION DISTRICT**

**(I-L) BILL NO. B 28/ORDINANCE NO. 2013-28 – (INTRO. 8/29/2013) (FOR ADOPTION) - AMENDING SECTION 12-405-D-2 OF THE FRESNO MUNICIPAL CODE RELATING TO TERMINATION OF RIGHTS FOR SPECIAL PERMITS**

On motion of Councilmember Brand, seconded by Acting President Brandau, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, as amended, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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**CONTESTED CONSENT CALENDAR:**

**(1-E) RESOLUTION NO 2013-156 - 1ST AMENDMENT TO SALARY RESOLUTION NO. 2013-101 ADDING THE CLASSIFICATION OF AIRPORT PUBLIC SAFETY OFFICER IN EXHIBIT 8, UNIT 8, NON REPRESENTED EMPLOYEES**

Retirement Administrator McDivitt stated that in the Fresno Municipal Code Tier stated any Police, Fire, or Airports Safety Officer/Supervisor who started City service after August, 27, 1990 shall be a participant in the Tier 2 retirement system, adding there was never any crafting of a section in the Code relating to temporary employees, adding in the Charter there was an exclusion for part-time employees, stating he was notified by the Personnel Department that the positions at the Airports Department would be part time, and those employees would be excluded from the system and spoke in support of the exclusion.

On motion of Councilmember Brand, seconded by Acting President Brandau, duly carried, RESOLVED, the above entitled Resolution No. 2013-156 hereby adopted, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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**(1-A) RESOLUTION – AMENDING THE BETTER BUSINESS ACT WHEN CITY DOES NOT REASONABLY EXPECT REPAYMENT OF A LOAN**

Councilmember Brand reviewed the history of why this item was placed on the agenda, stating this was a case where a home loan was written 30 years ago and the beneficiary moved from the Federal Housing Authority to the City of Fresno and the current property owner wanted to rehabilitate the property. Councilmember Brand stated in order to rehabilitate the property, the existing loan needed to be paid off, stating the lender was willing to forgive the loan and since the City of Fresno was now the beneficiary the City was willing to forgive the loan, adding since the loan was over \$1 million it triggered the Better Business Act, stating this amendment would provide an exception for this type of situation.

A motion to approve the resolution was made by Councilmember Brand and was amended after further discussion. The motion was seconded by President Xiong.

Councilmember Quintero expressed concern with not receiving adequate information in the staff report, adding he felt the item should have been listed under General Administration and requested the item be laid over two weeks for further discussion.

A motion was made by Councilmember Brand, seconded by President Xiong, the above entitled Resolution be continued to September 26, 2013 and listed under General Administration, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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**(1-H) ACTIONS PERTAINING TO THE SHIELDS AVENUE BIKE LANE IMPROVEMENTS, WEST AVENUE TO MAPLE AVENUE**

**#1 ADOPT FINDING OF A CATEGORICAL EXEMPTION PER STAFF DETERMINATION, PURSUANT TO CLASS 4 SECTION 15304(H) (MINOR ALTERATIONS TO LAND) OF THE CEQA GUIDELINES FOR THE SHIELDS AVENUE BIKE LANE IMPROVEMENTS – WEST AVENUE TO MAPLE AVENUE**

**#2 AWARD A CONSTRUCTION CONTRACT WITH WITBRO INC DBA SEAL RITE PAVING OF CLOVIS, CA IN THE AMOUNT OF \$134,401.00 FOR THE SHIELDS AVENUE BIKE LANE IMPROVEMENTS, WEST AVENUE TO MAPLE AVENUE PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, OR DESIGNEE, TO SIGN THE CONTRACT ON THE CITY'S BEHALF**

Councilmember Olivier stated he rode along with Traffic Engineering staff to review the bike lane improvements, noting this was a very worthwhile project, adding it would connect as many bike lanes as possible, and stated the project would connect east to west and provide alternative forms of transportation.

A motion to approve was made and acted upon after brief discussion.

Speaking to the issue was Nick Palamino, 8735 N. Cedar Avenue. #130, who spoke in support.

On motion of Councilmember Olivier, seconded by Councilmember Brand, duly carried, RESOLVED, the subject CEQA Categorical Exemption, hereby adopted, the above entitled construction contract awarded to Witbro Inc. dba Seal Rite Paving of Clovis CA in the amount of \$134,401.00, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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**(2-A) ACTIONS PERTAINING TO THE BROADWAY STREETScape IMPROVEMENTS PROJECT**

**#1 ADOPT FINDING OF CATEGORICAL EXEMPTION PER STAFF DETERMINATION, PURSUANT TO CLASS 1 SECTION 15301 (C) (EXISTING FACILITIES) OF THE CEQA GUIDELINES FOR THE BROADWAY STREETScape IMPROVEMENTS-TUOLUMNE TO DIVISADERO**

**#2 AWARD A CONSTRUCTION CONTRACT WITH AMERICAN PAVING CO. OF FRESNO, CA IN THE AMOUNT OF \$809,625.00 FOR THE BROADWAY STREETScape IMPROVEMENTS-TUOLUMNE TO DIVISADERO PROJECT AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, OR DESIGNEE, TO SIGN THE CONTRACT ON THE CITY'S BEHALF**

Project Manager Bernard reviewed the issue and recommended approval, all as contained in the staff report as submitted.

A motion to approve was made and acted upon after brief discussion.

President Xiong questioned the use of Proposition 11 funds and service money and requested staff to continue their efforts to locate additional funding to complete the Tower Streetscape Plan.

On motion of Councilmember Baines, seconded by Councilmember Brand, duly carried, RESOLVED, the subject CEQA Categorical Exemption hereby adopted, the above entitled construction contract awarded to American Paving Co. of Fresno CA in the amount of \$809,625.00, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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**(2-B) APPROVE FUNDING PARTICIPATION SUB-GRANTEE AGREEMENT BETWEEN THE CITY OF FRESNO AND THE UPPER KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT AUTHORITY FOR A GRANT THROUGH PROPOSITION 84 IN THE AMOUNT OF APPROXIMATELY \$1,435,641 FOR INSTALLATION OF RESIDENTIAL WATER METERS AND AUTHORIZE THE DIRECTOR, OR DESIGNEE, TO SIGN THE AGREEMENT ON BEHALF OF THE CITY (CITYWIDE)**

Supervising Professional Engineer Buche reviewed the issue and recommended approval, all as contained in the staff report as submitted. President Xiong stated he was a member of the Authority and stated it was important to work together and questioned the status of the membership fees with Mr. Buche stating the Authority was soliciting payment under a voluntary basis.

On motion of President Xiong, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the Proposition 84 Sub-Grantee Agreement between the City of Fresno and the Upper Kings Basin Integrated Regional Water Management Authority hereby approved, and the Director of Public Utilities authorized to sign the contract on behalf of the City, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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**(2-C)** APPROVE A \$1 MILLION HOME INVESTMENT PARTNERSHIPS PROGRAM AGREEMENT WITH VIKING VILLAGE, LP, FOR REHABILITATION OF THE VIKING VILLAGE APARTMENTS, A (1983) 40-UNIT AFFORDABLE MULTI-FAMILY HOUSING DEVELOPMENT LOCATED AT 4250 N. CHESTNUT AVENUE IN EAST CENTRAL FRESNO (APN: 430-050-47)

**(2-D)** APPROVE A \$1.5 MILLION HOME INVESTMENT PARTNERSHIPS PROGRAM AGREEMENT WITH SOUTHEAST FRESNO RAD, LP, FOR REHABILITATION OF: 1) THE CEDAR COURT APARTMENTS, A (1952) 149-UNIT AFFORDABLE MULTI-FAMILY HOUSING DEVELOPMENT LOCATED AT 4216 E. HAMILTON AVENUE IN SOUTHEAST FRESNO (APN: 471-211-01T, 471-212-01T, AND PORTION OF 471-220-01T), AND 2) THE INYO TERRACE APARTMENTS, A (1982) 44-UNIT AFFORDABLE MULTI-FAMILY HOUSING DEVELOPMENT LOCATED AT 510 S. PEACH AVENUE IN SOUTHEAST FRESNO (APN:463-050-22T)

**(2E)** APPROVE A \$1,180,000 HOME INVESTMENT PARTNERSHIPS PROGRAM AGREEMENT WITH PLAZA MENDOZA HOUSING, LP, FOR ACQUISITION AND REHABILITATION OF THE PLAZA MENDOZA APARTMENTS, A (1978) 132-UNIT AFFORDABLE MULTI-FAMILY RESIDENTIAL PROPERTY LOCATED AT 1725 N. MARKS AVENUE (APN: 449-040-60)

DARM Director Clark reviewed the issue and recommended approval, all as contained in the staff reports as submitted. Ms. Clark gave a PowerPoint presentation which included General Administration items 2-C, 2-D, 2-E and 2-F and consisted of the background of the project, the funding distribution deadline of September 30 2013, and the 2013 RFP process, and the projects included Viking Village, Cedar Court/Inyo Terrace, Plaza Mendoza Housing, LP and Fultonia West.

A motion to approve was made and acted upon after further discussion.

Ms. Clark responded to questions and comments of Councilmember Brand at length and/or clarified issues relative to a comparison of the four projects, stating three were rehabilitation and one was new construction, adding Viking Village was listed as a moderate rehabilitation with Councilmember Brand stating the cost was listed at \$176,000/unit, adding the new construction of the Fultonia West was \$135,000 per unit, and stated he would not support the project when he saw moderate rehabilitation costing so much and not seeing a detailed line item. Councilmember Brand requested the original motion be amended to continue the item two weeks in order to obtain additional information.

Assistant City Manager Smith stated to delay the approval of the four projects listed on the agenda may result in not receiving the funds as the time was under a tight deadline. After further discussion and Council consensus, Items 2C, 2D and 2E were continued to the afternoon session for additional time for staff to provide more detailed information on the three above listed projects.

**(2-F)** APPROVE A \$2.1 MILLION HOME INVESTMENT PARTNERSHIPS PROGRAM AGREEMENT WITH TFS INVESTMENTS, LLC, FOR CONSTRUCTION OF THE FULTONIA WEST APARTMENTS, A 32-UNIT MIXED-INCOME MIXED-USE DEVELOPMENT TO BE LOCATED AT 541-545 N. FULTON STREET IN SOUTHWEST FRESNO (APN: 452-274-05 AND 452-274-16)

President Xiong noted the presentation of the above project was included in the earlier PowerPoint.



On motion of Councilmember Baines, seconded by Councilmember Brand, duly carried, RESOLVED, a \$2.1 million HOME Investment Partnerships Program Agreement with TFS Investments, LLC for the construction of the Fultonia West Apartments, a 32-unit mixed income mixed use development to be located at 541-545 N. Fulton Street in southwest Fresno hereby approved; and said agreement subject to approval as to form by the City Attorney's Office, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong  
Noes : None  
Absent : None

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**(3-A) COUNCIL BOARDS AND COMMISSIONS COMMUNICATIONS AND ASSIGNMENTS:**

- #1 COUNCIL OF GOVERNMENTS – SWEARENGIN-EX-OFFICIO (OLIVER-ALTERNATE)**
- #2 FINANCIAL AUDIT COMMITTEE – BRAND, OLIVIER, XIONG**
- #3 FRESNO AREA WORKFORCE INVESTMENT CORPORATION - BAINES**
- #4 FRESNO COUNTY TRANSPORTATION AUTHORITY (FCTA) - SWEARENGIN, BRANDAU**
- #5 FRESNO REGIONAL WORKFORCE INVESTMENT BOARD – BAINES, RENENA SMITH**
- #6 FRESNO COUNTY ZOO AUTHORITY – SWEARENGIN (BAINES-ALTERNATE)**
- #7 FRESNO MADERA AREA AGENCY ON AGING BOARD - OLIVIER**
- #8 JOINT POWERS FINANCING AUTHORITY - OLIVIER**
- #9 LEADERSHIP COUNCIL ON ENDING HOMELESSNESS - SWEARENGIN, BAINES**
- #10 SAN JOAQUIN RIVER CONSERVANCY BOARD - SWEARENGIN (BRANDAU-ALTERNATE)**
- #11 ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY 99 - BAINES**
- #12 UPPER KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT JPA – XIONG**
- #13 PENSION REFORM TASK FORCE – BRAND, XIONG, (3<sup>RD</sup> MEMBER VACANT)**
- #14 ECONOMIC DEVELOPMENT CORPORATION SERVING FRESNO COUNTY – BRANDAU-EX-OFFICIO**
- #15 FRESNO/CLOVIS CONVENTION & VISITORS BUREAU (CVB) – AMY FUENTES**
- #16 LEAGUE OF CALIFORNIA CITIES (ANNUAL MEETING) – SWEARENGIN (OLIVIER-ALTERNATE)**
- #17 SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT - BAINES**
- #18 INFILL DEVELOPMENT AD HOC SUBCOMMITTEE - BRAND, BAINES, OLIVIER**
- #19 LITIGATION EXPOSURE REDUCTION AD HOC COMMITTEE – BRANDAU, CAPRIOGLIO**
- #20 COUNCIL APPOINTMENTS, REAPPOINTMENTS, REMOVALS, TO/FROM CITY AND NON-CITY BOARDS AND COMMISSIONS**

President Xiong questioned the status of an alternative to the Counsel of Governments and requested staff provide an opportunity for an alternative to be appointed. CM Rudd stated September 13, 2013 there will be a discussion on the Regional Transportation Plan, with President Xiong noting COG's yearly trip to Washington with CM Rudd stating he would provide a report on the results of the trip.

Councilmember Caprioglio questioned if a Councilmember could only report if their committee had taken any action rather than go through each committee line by line with President Xiong responding.

Councilmember Brand stated the Finance and Audit Committee would have a final meeting on September 30 2013 to decide whether to terminate the contract with SMG to manage the Convention Center or renegotiate a new contract or start a new RFP and added the committee would bring forth the findings to Council for consideration. Councilmember Brand stated the Pension Reform Task Force had a workshop last week with a consultant, adding it may be worthwhile to reactivate the Task Force. Councilmember Baines stated there was nothing to report on the Workforce Investment Board other than being involved in the preparation work for the High Speed Rail project. Councilmember Baines stated there was nothing to report on the Leadership Council on Ending Homelessness, and Air Pollution Control District was on a summer break and would resume their meetings shortly. Councilmember Baines stated the Fresno County Zoo Authority recently opened a sea lion cove and an Africa Exhibit was scheduled to begin construction early next year. Acting President Brandau stated there was nothing to report on the San Joaquin River Conservancy Board, adding Fresno County Transportation Authority updated on the ramp project on Freeway 180, adding Economic Development Corporation was the operator of One Stop Shop for local businesses. Councilmember Caprioglio stated the Litigation Exposure Ad Hoc Subcommittee was continuing their efforts to reduce litigation exposure. ACM Smith stated the Fresno/Clovis Convention & Visitors Bureau continue to work within their budget and positive movement was moving forward with advertising.

Councilmember Quintero questioned whether the San Joaquin River Conservancy Board had an update on the bluffs yet with Acting President Brandau stating the EIR was being prepared, adding the Board has been consumed about taking care of the homeless camps along the river, and stated he would ask for an update at the next meeting. City Clerk Spence stated there were no updates on new appointments or removals for City and Non-City Boards and Commissions.

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**RECESS 9:42 A.M. – 10:02 A.M.** Councilmembers Baines and Quintero arrived shortly thereafter.

**(10:00 A.M.) HEARING** CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-11-05, REZONE APPLICATION NO. R-11-06, AND RELATED FINDING FOR ENVIRONMENTAL ASSESSMENT NO. A-11-05/R-11-06, INITIATED BY BILL ROBINSON OF SOL DEVELOPMENT ASSOCIATES, ON BEHALF OF PROPERTY OWNER JENCO FARMS LP, FOR APPROXIMATELY 8.7 ACRES OF A 25.47-ACRE PROPERTY LOCATED ON THE EAST SIDE OF N. RIVERSIDE DRIVE (FORMERLY N. BRYAN AVENUE) BETWEEN W. HERNDON AVENUE AND THE ALIGNMENT OF W. SPRUCE AVENUE  
**#1** CONSIDER ENVIRONMENTAL ASSESSMENT NO. A-11-05/R-11-006 AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR PURPOSES OF THE PROPOSED PROJECT

**#2 RESOLUTION NO. 2013-159** - AMENDING THE 2025 FRESNO GENERAL PLAN AND BULLARD COMMUNITY PLAN TO CHANGE THE LAND USE DESIGNATION ON THE NORTHERLY 8.7+/- ACRES OF ASSESSOR'S PARCEL NO. (APN) 503-020-12 FROM COMMERCIAL RECREATIONAL TO COMMUNITY COMMERCIAL, SO THAT THE LAND USE DESIGNATION ON THAT NORTHERLY 8.7+/- ACRES IS CONSISTENT WITH THAT OF THE SOUTHERLY 16.8+/- ACRES OF THE OVERALL 25.47- ACRE PARCEL

**#3 BILL NO. B- 29 /ORDINANCE NO. 2013-29 - (FOR INTRODUCTION AND ADOPTION)-** AMENDING THE OFFICIAL ZONE MAP TO REZONE THE NORTHERLY 8.7 +/- ACRES OF APN 503-020-12 FROM THE C-R/UGM (COMMERCIAL RECREATION/URBAN GROWTH MANAGEMENT) ZONE DISTRICT TO THE C-2/UGM/CZ (COMMUNITY SHOPPING CENTER/URBAN GROWTH MANAGEMENT/CONDITIONS OF ZONING), SO THAT THE ZONING ON THAT NORTHERLY 8.7 +/- ACRES IS CONSISTENT WITH THAT OF THE SOUTHERLY 16.8 +/- ACRES OF THE PARCEL

President Xiong announced the time had arrived to consider the issue and opened the hearing.

Planner Brock reviewed the issue and recommended approval, all as contained in the staff report as submitted. Ms. Brock gave a PowerPoint presentation which included the proposed conditions of zoning, Council District 2 Implementation Committee discussion and the Planning Commission recommendation.

President Xiong congratulated *Roger or Doug Jensen* on his 93<sup>rd</sup> birthday and welcomed Mr. Jensen to the meeting.

Speaking in support was Bill Robinson, 906 "N" Street, Suite 100.

Upon call, no one else wished to be heard and President Xiong closed the public hearing. Public Works Manager Tyler responded to questions by President Xiong pertaining to the completion date of Riverside Drive near Herndon Avenue with Mr. Tyler stating approximately the first part of next year.

On motion of Acting President Brandau, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the Mitigated Negative Declaration for Environmental Assessment No. A-11-05/R-11-006 hereby adopted, the above entitled Resolution No. 2013-159 adopted and Bill No. B-29 adopted as Ordinance No. 2013-29, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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**(10:15 A.M.) TEFRA HEARING** AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, TO HEAR AND TO CONSIDER INFORMATION CONCERNING THE PROPOSED PLAN OF FINANCE PROVIDING FOR THE ISSUANCE OF HEALTH FACILITY REVENUE BONDS ("THE BONDS") BY THE MICHIGAN FINANCE AUTHORITY (THE "ISSUER") IN ONE OR MORE SERIES OF HEALTH FACILITY REVENUE BONDS (THE "BONDS") IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$800,000,000; PURSUANT TO A PLAN OF FINANCE FOR VARIOUS CAPITAL FACILITIES, INCLUDING AN AMOUNT NOT TO EXCEED \$20,000,000 WITH RESPECT TO CAPITAL FACILITIES LOCATED IN THE CITY OF FRESNO. PROCEEDS OF THE BONDS WILL BE LOANED TO CHE TRINITY INC., AN INDIANA NONPROFIT CORPORATION OR TRINITY HEALTH CORPORATION, AN INDIANA

NONPROFIT CORPORATION, OF WHICH CHE TRINITY INC., IS THE SOLE CORPORATE MEMBER. TRINITY HEALTH CORPORATION IS THE SOLE CORPORATE MEMBER OF SAINT AGNES MEDICAL CENTER, A CALIFORNIA NONPROFIT CORPORATION. THE PROCEEDS OF THE BONDS WILL BE USED TO (I) REFINANCE THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF CERTAIN HEALTH FACILITIES (COLLECTIVELY, THE "PROJECT"), AND (II) PAY CERTAIN EXPENSES INCURRED IN CONNECTION WITH THE ISSUANCE OF THE BONDS

**#1 RESOLUTION NO. 2013-160 - APPROVING THE ISSUANCE OF THE MICHIGAN FINANCE AUTHORITY REVENUE BONDS, (CHE TRINITY HEALTH CREDIT GROUP), IN ONE OR MORE SERIES FOR THE PURPOSE OF AMONG OTHER THINGS, OF REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF HEALTH CARE FACILITIES OWNED AND OPERATED BY SAINT AGNES MEDICAL CENTER AND CERTAIN OTHER MATTERS RELATING THERETO**

President Xiong announced the time had arrived to consider the issue and opened the hearing.

Assistant Controller Bradley reviewed the issue and recommended approval, all as contained in the staff report as submitted and recommended approval.

Upon call, no one wished to be heard and President Xiong closed the public hearing.

On motion of Councilmember Brand, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Resolution No. 2013-160 hereby adopted, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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**RECESS – 10:17 A.M. – 11:01 A.M.**

**(11:00 A.M.) SCHEDULED COMMUNICATION – APPEARANCE BY JD MCCUBBIN TO DISCUSS HOMELESSNESS IN FRESNO**

JD McCubbin, 617 E. Cambridge spoke to the issue of homelessness and stated it was a City problem, adding the downtown problem was shifting into other areas of the City and felt like the homeless camps were similar to refugee camps.

**(11:00 A.M.) UNSCHEDULED COMMUNICATION – HOMELESSNESS**

Speaking to the issue of homelessness were: Beverly Fitzpatrick, 6046 N Feland, stated she had attended several meetings with the County over the past two years, adding Bishops Committee and Thursday Group were trying to find places for the homeless to live and provided a list of meeting with the County of Fresno, on file in the Clerk's Office; Gerry Bill, 708 E Beverly reviewed safe and legal campground, namely Dignity Village in Portland OR, a campground in St. Petersburg FL and a campground in Placerville CA; Diane Smith, 1540 W. LaSierra Drive, spoke of using CDBG Funds to help the homeless, adding this was not just a downtown problem. Councilmember Baines left the meeting at 11:15 a.m.

Also speaking to the issue were: Larry Collins, 1505 Santa Clara #115, stated he had been homeless for three years and witnessed three deaths; Georgia Williams, 140 W. San Jose Avenue #120, stated the homeless needed to be taken care of before the winter comes, adding it was important for the City to work with the County; Pastor Melvin Whittle, 31 E Stanislaus, stressed the importance of not allowing anymore homeless campground in southwest Fresno; Alvin Whittel, 202 W. Byrd, stated the City needed to find other places for the homeless encampments other than in southwest Fresno; Pastor Booker T. Lewis II, 1104 Collins Avenue stated the downtown homeless encampments bleed into southwest Fresno and expressed the importance of finding a place for the homeless to go and requested there be no more low income housing in southwest Fresno. At 11:30 a.m. Councilmember Baines returned to the meeting. George Finley, 252 E Hawes stated the homeless were all over the City but were more concentrated in the southwest and added the City needed to work with the Housing Authority and the County of Fresno; Bob Mitchell, 3349 W Madison, stated he had a health practitioner visit a homeless encampment located on Santa Clara and "E" Street and the practitioner stated the conditions were like a third world country; Anne Gaston, 39 E Strother Avenue stated there was too much blight in southwest Fresno and stressed the importance of finding other areas that could house the homeless; Debbie Darden, 891 W Kearney Blvd. stated her heart went out to the



homeless, adding when she was younger there were no encampments and today have grown and stretched throughout the southwest, adding tragedy had to happen before the City did anything; Doris Kendrick- Major, 1047 E Dorothy Street, stated some of the homeless were soldiers, adding some had mental health problems and should be taken care of after serving our country; Nancy Waitflow 804 E Fedora Avenue, thanked the residents of southwest Fresno for attending the meeting, adding they want encampments that would be an asset to Fresno; Martin Hernandez , 2967 E Iowa Avenue, stated he had a homeless encampment in his alley, where some people brought in drugs making the camps dangerous.

Councilmember Baines stated homelessness was throughout the City of Fresno, adding the southwest and downtown areas were the most visible, stressing people needed to discuss the issue with the County, adding public pressure needed to be put on the place where the resources were, Councilmember Baines stated homelessness was a condition where people need help and the resources were being funded through the County of Fresno. Councilmember Baines stated there needed to be a solution and that solution was to get people off the street, adding he did not hear enough people challenging the County, stating he had heard more argument about keeping the homeless on the street rather than obtain the necessary resources to stop a person from being homeless, adding the City was as

creative as possible in housing people, stating the City had provided \$1 million to house people, adding there needed to be a solution to the homelessness, stating temporary and transitional housing and would not support keeping people on the street and thanked City Manager Rudd for stepping up and removing the camps.

Acting President Brandau stated there were several good comments made today, adding it was important the County get involved because the State of California provided the County with the resources to provide assistance to the homeless issue, adding if people were passionate about the homeless, go to the county and request resources for safe and legal encampments. Acting President Brandau stated the homeless issue was throughout the City of Fresno, not just in southwest Fresno, stating there was now a homeless encampment along the San Joaquin River.

President Xiong also concurred with discussing the homeless with the Board of Supervisors. Councilmember Olivier stated why stop with the County and read a portion of the Washington Post demonstrating where weapons were sent to Syria, 6,700 miles away from Fresno for lethal aid to kill people and there was no funding being provided to help the homeless.

#### **LUNCH 12:10 P.M. – 1:37 P.M.**

**(2-C) CONTINUED FROM EARLIER:** APPROVE A \$1 MILLION HOME INVESTMENT PARTNERSHIPS PROGRAM AGREEMENT WITH VIKING VILLAGE, LP, FOR REHABILITATION OF THE VIKING VILLAGE APARTMENTS, A (1983) 40-UNIT AFFORDABLE MULTI-FAMILY HOUSING DEVELOPMENT LOCATED AT 4250 N. CHESTNUT AVENUE IN EAST CENTRAL FRESNO (APN: 430-050-47)

Councilmember Brand stated he had received additional information and expressed concern with the project not being cost efficient and would not support a project where the cost totaled \$176,000 per unit to rehabilitate when new construction was much cheaper. Councilmember Caprioglio stated with the requirements from HUD to send back \$1 million would not be right, adding this project would provide additional jobs.

DARM Director Clark and Preston Prince, Director of Fresno Housing Authority responded to questions and comments by Acting President Brandau relative to costs per unit to refurbish whether it was the City's responsibility to keep the cost down and how would the City accomplish that. Acting President Brandau questioned whether there was a policy created by the City Council and questioned whether an established policy would make it more effective for further projects with Ms Clark responding.

Councilmember Brand stated he would come back to Council next month with guidelines that would provide detailed line items to include, construction budgets and identifying soft cost, contingencies and developer fees, possibly creating a sub-committee to create a reasonable standard with Councilmember Baines concurring, adding he was willing to volunteer to be on the committee, and stated the importance of having a Housing Manager, adding the position needed to monitor HUD and with the policy established the same repetitive discussion would not take place.

DARM Director Clark responded to questions by Councilmember Quintero pertaining to the Housing Division receiving Federal funds for rehabilitations projects and requested a list of the different programs where the City received Federal government funding for rehabilitation projects and what were the different ways the funding could be used. Councilmember Quintero recommended scheduling a workshop at a later date to discuss the distribution of the federal funding.

President Xiong stated a couple of workshops were held on this issue and part of that workshop was to set perimeters, adding a policy was never created and expressed concern with time sensitive issues, stating there should be no more future HOME projects approved until a policy had been created and the policy needed to be clear and precise. ACM Smith stated the funds had already been committed and there would be no more HOME funds available, adding a similar discussion would take place before Council next month relating to a NSP project and Council would be provided a line item details at the time of the discussion to prevent such discussion taking place in the future.

On motion of Councilmember Caprioglio, seconded by Councilmember Baines, duly carried, RESOLVED, \$1 million HOME Investment Partnerships Program Agreement with Viking Village, LP, for rehabilitation of the Viking Village Apartments, a 1983 40-unit affordable multi-housing housing development located at 4250 N Chestnut Avenue in E Central Fresno hereby approved, by the following vote:

Ayes	:	Baines, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	Brand
Absent	:	None

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**(2-D) CONTINUED FROM EARLIER:** APPROVE A \$1.5 MILLION HOME INVESTMENT PARTNERSHIPS PROGRAM AGREEMENT WITH SOUTHEAST FRESNO RAD, LP, FOR REHABILITATION OF: 1) THE CEDAR COURT APARTMENTS, A (1952) 149-UNIT AFFORDABLE MULTI-FAMILY HOUSING DEVELOPMENT LOCATED AT 4216 E. HAMILTON AVENUE IN SOUTHEAST FRESNO (APN: 471-211-01T, 471-212-01T, AND PORTION OF 471-220-01T), AND 2) THE INYO TERRACE APARTMENTS, A (1982) 44-UNIT AFFORDABLE MULTI-FAMILY HOUSING DEVELOPMENT LOCATED AT 510 S. PEACH AVENUE IN SOUTHEAST FRESNO (APN:463-050-22T)

Preston Prince, Director of the Fresno Housing Authority, reviewed the issue and recommended approval.

On motion of Councilmember Quintero, seconded by Councilmember Baines, duly carried, RESOLVED, \$1.5 million HOME Investment Partnerships Program Agreement with Southeast Fresno RAD, LP, for the rehabilitation of the Cedar Court Apartments a (1952) 149-unit affordable multi-family housing development located at 4216 E Hamilton Avenue in southeast Fresno hereby approved; the Inyo Terrace Apartments, a (1982) 44-unit affordable multi-family housing development located at 510 S. Peach Avenue in southeast Fresno hereby approved, by the following vote:

Ayes	:	Baines, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	Brand
Absent	:	None

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**(2E) CONTINUED FROM EARLIER:** APPROVE A \$1,180,000 HOME INVESTMENT PARTNERSHIPS PROGRAM AGREEMENT WITH PLAZA MENDOZA HOUSING, LP, FOR ACQUISITION AND REHABILITATION OF THE PLAZA MENDOZA APARTMENTS, A (1978) 132-UNIT AFFORDABLE MULTI-FAMILY RESIDENTIAL PROPERTY LOCATED AT 1725 N. MARKS AVENUE (APN: 449-040-60)

On motion of Councilmember Baines, seconded by Councilmember Quintero, duly carried, RESOLVED, a \$1,180,000 HOME Investment Partnerships Program Agreement with Plaza Mendoza Housing, L.P. for the acquisitions and rehabilitation of the Plaza Mendoza Apartments, a (1978) 132 unit affordable multi-family residential property located at 1725 N. Marks Avenue hereby approved, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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#### **(1:30 P.M. #1) WORKSHOP ON VETERANS BOULEVARD - PUBLIC WORKS DEPARTMENT**

Assistant Public Works Director Mozier presented a visual simulation of Veterans Boulevard Corridor Project and thanked the Counsel of Governments (COG) for providing the simulation and also presented a PowerPoint which included: the earlier project history; recent project history and the project's schedule; funding and programmed future construction funding.

Councilmember Baines questioned who would maintain the landscaping and stressed the importance of landscape maintenance with Mr. Mozier stating Community Facilities District would maintain the landscape. Acting President Brandau stated the Veterans Boulevard project was not just one section of the City, adding he was looking forward to the completion, stating the project would help new development in the future. President Xiong questioned how the High Speed Rail authority was assisting with the project and if any additional funding had been provided with Mr. Mozier reviewing how the funds would be allocated. President Xiong stated it was important to provide a connector from east to west prior to cutting off connectors. No action taken.

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**(1:30 P.M. #2) APPROVE A NEW FREEWAY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION ON STATE ROUTE 99 FROM HERNDON CANAL OVERCROSSING TO 0.9 MILES SOUTH OF HERNDON AVENUE INCLUDING THE LOCATION OF A NEW INTERCHANGE WITH STATE ROUTE 99 AT THE VETERANS BOULEVARD ALIGNMENT**

Assistant Public Works Director Mozier reviewed the issue, all as contained in the staff report as submitted and recommended approval.

On motion of Acting President Brandau, seconded by Councilmember Olivier, duly carried, RESOLVED, the Freeway Agreement with the California Department of Transportation (Caltrans) on State Route 99 from Herndon Canal overcrossing to 0.9 miles south of Herndon Avenue, including the location of a new freeway interchange with State Route 99 at the Veterans Boulevard alignment hereby approved, the Public Works Director or designee authorized the sign the agreement on behalf of the City of Fresno, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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**(1:30 P.M. #3) APPROVE A COOPERATIVE AGREEMENT WITH THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY (CHSRA) FOR CONSTRUCTION OF A NEW OVERPASS OVER THE HIGH-SPEED RAIL (HSR) ALIGNMENT AND THE UNION PACIFIC RAILROAD TRACKS AT VETERANS BOULEVARD**

Assistant Public Works Director Mozier reviewed the issue, all as contained in the staff report as submitted and recommended approval.

A motion to approve was made and acted upon after brief discussion.

Mr. Mozier responded to questions by President Xiong pertaining to the City bid process, the RFP and the outreach to small business owners and community organizations. Councilmember Caprioglio left the meeting at 2:54 p.m. Blake Konczal, Director of the Workforce Investment Board responded to questions relative to the specific rules the City needed to follow for the disadvantage workers and high poverty areas in order to use Federal funding and reviewed funding from the High Speed Rail Authority and the perimeters of the project. President Xiong questioned whether Council could amend the agreement whether it was a time sensitive issue during the 12 months of construction with Mr. Mozier responding.

On motion of Acting President Brandau, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the Cooperative Agreement with the California High-Speed Rail Authority hereby approved, the Public Works Director or designee authorized the sign the agreement on behalf of the City of Fresno, by the following vote:

Ayes	:	Baines, Brand, Brandau, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	Caprioglio

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**(1:30 P.M. #4) APPROVE AN AMENDMENT TO AGREEMENT WITH MARK THOMAS & COMPANY INC. FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE VETERANS BOULEVARD GRADE SEPARATION AND STATE ROUTE 99 FREEWAY INTERCHANGE PROJECT FOR A NET INCREASE OF \$499,813**

Assistant Public Works Director Mozier reviewed the issue, all as contained in the staff report as submitted and recommended approval. Councilmember Caprioglio returned to the meeting at 2:56 p.m.

Speaking to the issue was Jeff Roberts, 1396 W Herndon Avenue, who spoke in support.

On motion of Acting President Brandau, seconded by Councilmember Olivier, duly carried, RESOLVED, an amendment to an agreement with Mark Thomas & Company, Inc. for additional professional engineering services for the Veterans Boulevard Grade Separation and State Route 99 Freeway Interchange Project for a net increase of \$499,813 hereby approved, the Public Works Director or designee authorized the sign the amendment to the agreement on behalf of the City of Fresno, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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**JOINT MEETING OF THE CITY OF FRESNO, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION**

The City Council recessed at 2:57 p.m. and the Successor Agency and Fresno Revitalization Corporation convened in joint session.

(‘A’) CITY COUNCIL IN ITS CAPACITY AS HOUSING SUCCESSOR, SUCCESSOR AGENCY BOARD, AND FRESNO REVITALIZATION CORPORATION (FRC) CONSIDER ADOPTING:  
**#1 RESOLUTION NOS. 2013-161/SA-17– APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JANUARY – JUNE, 2014 (ROPS 5) (CITY AS HOUSING SUCCESSOR, SUCCESSOR AGENCY, AND FRC ACTION)**

Executive Director Murphey reviewed the issue and recommended approval, all as contained in the staff report as submitted.

On motion of Councilmember Caprioglio, seconded by President Xiong, duly carried, RESOLVED, the above entitled Resolution Nos. 2013-161/SA-17 hereby adopted, by the following vote:

**CITY COUNCIL VOTE:**

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

**SUCCESSOR AGENCY VOTE:** (Mayor and entire Council are members)

Ayes	:	Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong, Baines
Noes	:	None
Absent	:	Swearengin


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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 2:59 p.m. having arrived and hearing no objection, President Xiong declared the meeting adjourned.

Approved on the 26th day of September, 2013.

  
Blong Xiong, Council President

ATTEST:   
Cindy Bruer, Deputy, City Clerk